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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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(a) Torture and other cruel, inhuman or degrading treatment or punishment;

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(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (continued)

The meeting was called to order at 3.25 p.m.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1993/L.25/Rev.1)

Draft resolution on the succession of States in respect of international human rights treaties (E/CN.4/1993/L.25/Rev.1)

1. Mr. BOITCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Germany and Poland, said that most of the provisions of the draft resolution were self-explanatory. In recent times, many States had collapsed and it was important to maintain consistency by ensuring that the human rights obligations they had undertaken were fulfilled by their successor States.

2. It was entirely logical that such States should be responsible for the obligations entered into by their predecessors in order to ensure stability in the protection of human rights and fundamental freedoms. Needless to say, official confirmation by successor States that they intended to fulfil the obligations of the predecessor State was valuable in strengthening the international legal system for human rights protection and in increasing the efficiency of national human rights protection. During the preliminary consultations, there had been general agreement on the vital importance of the question and the sponsors hoped that the draft resolution could be adopted by consensus.

3. Draft resolution E/CN.4/1993/L.25/Rev.1 was adopted.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued) (E/CN.4/1993/L.36)

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1993/L.36)

4. Mr. ERMACORA (Austria), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada, Republic of Korea and United States of America and the observers for Nicaragua and Slovakia, said that the adoption by the General Assembly of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities constituted a very important step in terms of standard-setting for the promotion and protection of minorities. In view of the growing frequency of conflicts concerning minorities in many countries, and their often tragic consequences, the Declaration was extremely timely.

5. The main purpose of the draft resolution was to give effect to the contents of the Declaration in the work of the Commission and its subsidiary bodies. It called upon States to promote the principles of the Declaration and urged treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to give due regard

to it within their mandates. It also underlined the role of intergovernmental and non-governmental organizations in the promotion and protection of minority rights.

6. Draft resolution E/CN.4/1993/L.36 was adopted.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1993/L.50/Rev.1)

Draft resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief (E/CN.4/1993/L.50/Rev.1)

7. Mr. SWIFT (Observer for Ireland), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Zambia, said that the resolution reaffirmed that freedom of thought, conscience, religion and belief was a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination. At the same time, it expressed alarm that serious incidents of intolerance and discrimination on the grounds of religion or belief were occurring in many parts of the world, including acts of violence. It thus stressed the need for further efforts to promote and protect the right to freedom of religion and belief and to eliminate hatred, intolerance and discrimination, detailing a number of actions that could be taken by States to that end.

8. The draft resolution also recognized that groups and individuals must practise tolerance and refrain from discrimination if the aims of the Declaration were to be fully realized. It set out ways and means for the United Nations system to further the aims of the Declaration, through its promotional and public information activities and its programme of advisory services and also encouraged Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively.

9. Draft resolution E/CN.4/1993/L.50/Rev.1 was adopted.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION (agenda item 19) (continued) (E/CN.4/1993/L.58-L.60, L.65, L.66 and L.67; E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section B, draft decisions 1, 2, 9, 10 and 13)

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/1993/L.58)

10. Mr. PETERS (Netherlands), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Colombia and Costa Rica, said that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was governed by a mandate deriving from General Assembly resolution 46/122 and was used essentially to provide assistance to victims of slavery and to enable representatives of non-governmental organizations to attend sessions of the Working Group on contemporary forms of slavery.

11. A new element in the draft resolution was to be found in operative paragraph 1, which welcomed the recent appointment by the Secretary-General of a Board of Trustees. The first meeting of the Board was to be held at the end of March 1993, when the Fund could begin to operate. The number of donors was so far very limited and it was to be hoped that more contributions would be made.

12. Draft resolution E/CN.4/1993/L.58 was adopted.

Draft resolution on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.59)

13. Mr. PETERS (Netherlands), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Colombia, Costa Rica, Iran (Islamic Republic of) and Republic of Korea and the observers for Belgium, Norway and the Philippines, said that the draft resolution recalled the provisions of the main relevant conventions and took note of the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1992/34). The only new element was in operative paragraph 12, which recommended that Governments should avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies. Otherwise, the draft resolution was broadly similar to those adopted in previous years and the sponsors hoped that it could be adopted by consensus.

14. Mr. KHOURY (Syrian Arab Republic) said that his delegation was unable to accept operative paragraph 4 of the draft resolution, since it believed that no Government should have to explain in writing why it could not accede to a convention.

15. Mr. PETERS (Netherlands) said that States were only being invited to provide explanations and there was no element of compulsion. In any case, the provision in question had appeared in the resolutions adopted at the three previous sessions. Indeed, his own country was not a party to all the conventions and had thus explained its position in writing two years previously.

16. Mr. ALFONSO MARTINEZ (Cuba) said that he understood the concern expressed by the representative of the Syrian Arab Republic and felt that it could be addressed by inserting the words "if they so wished" after the words "in writing", thereby making it clear that the decision rested with the States in question.

17. Mr. PETERS (Netherlands) said that the sponsors were willing to accept the amendment proposed by the representative of Cuba.

18. Draft resolution E/CN.4/1993/L.59, as amended, was adopted.

Draft resolution on the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.60)

19. Mr. ROSENGARTEN (Germany), introducing the draft resolution on behalf of its sponsors, recalled that Commission resolution 1992/66 had been the outcome of long and serious discussions within both the Sub-Commission and the Commission, prompted by the widely-held view that the working methods of the Sub-Commission needed to be improved and its coordination with the Commission strengthened. It was therefore particularly gratifying that the Sub-Commission had taken up most of the suggestions put forward in the Commission resolution, and the 17 guidelines which the Sub-Commission had set out in its own resolution 1992/8 constituted an extremely important step in the right direction, as recognized in operative paragraphs 3 and 4 of the draft resolution.

20. Although the draft resolution did not revert to the proposals not taken up by the Sub-Commission in its guidelines, it did not preclude further discussion in the Sub-Commission on its work. The sponsors had accepted a suggestion made by the Chairman of the Sub-Commission that the words "research and the" should be deleted in operative paragraph 6. It was the hope of the sponsors that the draft resolution could be adopted by consensus.

21. Mr. PACE (Secretary of the Commission) said that the delegations of the Republic of Korea, Romania and the United States of America had joined the sponsors of the draft resolution, while the delegation of France had withdrawn its sponsorship.

22. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation welcomed the understanding and good will shown during the negotiations and felt that the draft resolution represented a positive contribution to mutual understanding, cooperation and respect in relations between the Sub-Commission and the Commission. As a member of the Sub-Commission, he appreciated the fruitful dialogue that had been held.

23. Draft resolution E/CN.4/1993/L.60, as orally revised, was adopted.

24. Mr. TABATABAEE (Islamic Republic of Iran) said that his delegation was concerned at the duplication and waste of resources inherent in the work of the Sub-Commission and had wanted that concern to be reflected in the draft resolution. It felt that the work of the Sub-Commission should be further rationalized and, had a vote been taken on the draft resolution, it would have abstained.

Draft resolution on human rights and disability (E/CN.4/1993/R.65)

25. Mr. MARANTZ (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Austria, Bulgaria and Costa Rica and the observers for El Salvador, Ireland, Italy and the Philippines said that the purpose of the resolution was to continue the development of processes for addressing the rights of persons with disabilities, whose numbers increased every year. The resolution recaptured the start the Commission had made in 1992; if some provisions were new, it was because they reflected action taken and set the stage for action to come.

26. A sound foundation of knowledge and familiarity with the subject-matter was necessary. The Committee on Social Development was already addressing the policy and programme needs of persons with disabilities and it was expected that the continuation of processes for addressing issues relating to disabilities, combined with the conclusions of the World Conference on Human Rights, would result in proposals for Governments which would be a challenge in the years to come.

27. There was no doubt that the attention of Governments had been seized. Seventy-three ministers and senior representatives had attended the October 1992 meeting in Canada, 16 ministers from all regions of the world composed the Working Group of Ministers on Disability and the draft resolution itself had attracted the broadest sponsorship.

28. Draft resolution E/CN.4/1993/R.65 was adopted.

Draft resolution on the International Year of the World's Indigenous People, 1993 (E/CN.4/1993/L.66)

29. Mr. MARANTZ (Canada), speaking on behalf of the sponsors of the draft resolution, which had been joined by the delegations of Chile, Finland, Netherlands and Nigeria and the observer for the Philippines, said that the purpose of the resolution was to strengthen international cooperation to resolve the problems faced by indigenous communities.

30. He drew the Commission's attention to two revisions of a technical nature, already contained in the text, designed to add precision to the original text. Operative paragraph 4 had been revised to welcome a decision taken in the General Assembly, while the original operative paragraph 10 had been moved to precede operative paragraph 5 for the same reason and an implementation clause had been added, consistent with the conclusions of UNCED.

31. The sponsors had paid careful attention to the new ideas put forward by indigenous organizations. It was only natural that, in the International Year, the representatives of indigenous peoples should have an opportunity to voice their concerns about their situations and their future at the World Conference on Human Rights. Operative paragraph 8 addressed that view while acknowledging that the authority for responding remained vested in the Preparatory Committee for the World Conference.

32. Operative paragraph 11 responded to the request by General Assembly resolution 47/75 to the Working Group on Indigenous Populations and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to complete their consideration of the draft universal declaration of indigenous rights at their forthcoming sessions.

33. The sponsors were very much aware that the Working Group had an important mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people. His own Government considered that the Working Group had contributed greatly to the progress of indigenous aspirations.

34. He proposed a minor revision to operative paragraph 11, with the insertion of "to make its best efforts" after the words "Indigenous Populations". He further proposed the addition of an extra operative paragraph, to be numbered paragraph 2, to read: "Recommends to all thematic special rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people." The subsequent operative paragraphs would be renumbered accordingly.

35. Draft resolution E/CN.4/1993/L.66, as orally revised, was adopted.

Draft resolution on the report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/L.67)

36. Mr. MARANTZ (Canada), speaking on behalf of the sponsors of the draft resolution, which had been joined by the delegations of Brazil, Chile, Finland, Netherlands and Nigeria, said that the purpose of the resolution was to renew the mandate of the Working Group to enable it to consider principles pertinent to the development of standards relating to indigenous rights.

37. Most of the changes in the text of the 1992 resolution represented an updating or were designed to contribute to the effectiveness of the Working Group, although the last preambular paragraph and operative paragraph 10 represented a major development.

38. The second reading of the draft declaration was to be completed at the Working Group's eleventh session in 1993. The sponsors recognized the complexity of the issues and the diversity of opinion on them, and suggested a minor change to operative paragraph 10, namely, the insertion of "to make its best efforts" immediately after "Indigenous Populations" in the first line. In the light of the progress made, it was appropriate that the General Assembly should request the completion of the draft universal declaration on the rights of indigenous peoples in the Working Group.

39. The sponsors of the draft resolution were very much aware that the Working Group had an important mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous peoples. His own Government supported that view and considered that no option for the mandate of the Working Group should be excluded.

40. Mr. PEREZ NOVOA (Cuba) expressed his delegation's appreciation of the sponsors' flexibility during the negotiations on the draft resolution. He suggested that the change made to operative paragraph 10 might also usefully be introduced into operative paragraph 6 (a).

41. Mr. MARANTZ (Canada) accepted that suggestion.

42. Draft resolution E/CN.4/1993/L.67, as orally revised, was adopted without a vote.

43. The CHAIRMAN, referring to the draft decisions submitted to the Commission by the Sub-Commission (E/CN.4/1993/2, chap. I, sect. B), said that

draft decision 1 on the report of the Working Group on Contemporary Forms of Slavery would be considered under agenda item 24 and draft decision 2, on detention on Bougainville, under item 12. Draft decision 9 on a draft universal declaration on indigenous peoples and draft decision 10 on the International Year for the World's Indigenous People had become superfluous following the adoption of resolution E/CN.4/1993/L.66.

Draft decision 13 on a study on treaties, agreements and other constructive arrangements between States and indigenous populations

44. Draft decision 13 was adopted.

45. Mr. HESSEL (France) said, with reference to draft resolution E/CN.4/1993/L.67 and more particularly to the statement contained in the last preambular paragraph to the effect that in the future the Working Group's working languages would be English and Spanish only, that, while his delegation understood that the Working Group, of which his delegation was not a part, was trying to make rapid progress, it regretted that such a decision had been taken.

46. Mr. WEISSBRODT (United States of America) said that his delegation had been pleased to join the consensus on all the draft resolutions just adopted and to support the work of the Sub-Commission, particularly the study on the ongoing monitoring of states of emergency, the continuing study of the right to a fair trial and the important study on the impartiality of the judiciary. Those studies would have a genuine impact in discouraging Governments from resorting to states of emergency during which gross human rights violations often occurred and in providing the conditions for a fair trial and an independent judiciary.

47. His delegation's support for the Sub-Commission's efforts were nevertheless tempered by a number of concerns. The Sub-Commission's guidelines limited studies to 13 at any one time; that should help to focus the work on matters that really needed inquiry, for example, the study on minorities. Other studies should have a lower priority as a result. The Sub-Commission should also endeavour to reassess its work to see what concrete impact it was having in the protection of human rights in the world. Its studies should focus impartially on problems worldwide and not target specific areas, since while certain problems might be more frequent in such areas, neither the Sub-Commission nor the Commission should be blind to human rights violations wherever they occurred.

48. His delegation had supported draft resolution E/CN.4/1993/L.60 on the work of the Sub-Commission and welcomed the progress made in reforming its methods of work; it supported the paragraph reaffirming the 1992 text concerning the Sub-Commission's positive role in reviewing country situations. His delegation had also been pleased that there were no financial implications relating to that draft resolution.

49. With reference to the resolutions concerning the Working Group on Indigenous Populations, his delegation supported the efforts to ensure that indigenous populations had the right to exercise their human rights freely. The draft declaration would, however, need more consideration; the

Sub-Commission's study on treaties relating to indigenous peoples would be useful in that regard and should be completed by 1994.

50. His delegation had joined the consensus on draft resolution E/CN.4/1993/L.66 and had been pleased by the additional attention paid to indigenous populations, although it considered that the emphasis on certain aspects of human rights during the International Year for the World's Indigenous People had been misplaced and that more attention needed to be given to indigenous rights.

51. Mr. OYARCE (Chile), speaking with reference to draft resolution E/CN.4/1993/L.67, said that it was his delegation's understanding that the Working Group would do everything in its power to complete the draft declaration. Once that was done, the Working Group would be required to continue analysing the assessment process and progress in indigenous matters within the United Nations system in order to carry out its mandate to the full.

52. Mrs. RUESTA (Venezuela), speaking with reference to draft resolution E/CN.4/1993/L.60, said that, although the draft resolution was a balanced one, operative paragraph 4 had caused her delegation some problems; it had joined the consensus, but only welcomed the guidelines referred to in operative paragraph 4 and had not actually approved them, since they needed further study.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 10) (continued) (E/CN.4/1993/L.46/Rev.1, L.48, L.49, L.52, L.53 and L.55-L.57; E/CN.4/1993/61, 63, 64; E/CN.4/1993/2-E/CN.4/Sub.2/1992, chap. I, sect. A, draft resolutions IV, V, VI and VIII, chap. I, sect. B, draft decisions 3, 8 and 11)

Draft resolution on human rights in the administration of justice (E/CN.4/1993/L.46/Rev.1)

53. Mr. MBURU (Kenya), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of the Sudan and the observer for Swaziland, said that the draft resolution had taken into account Commission resolutions regarding assistance in the field of the administration of justice and regional arrangements for the promotion and protection of human rights. It had also taken account of the relevant concerns expressed at the regional meeting for Africa, preparatory to the World Conference on Human

Rights, and the thirty-second session of the Asian African Legal Consultative Committee which had met in January 1993.

54. The administration of justice not only occupied a central role in the promotion and protection of human rights but also touched upon the rights and fundamental freedoms of people on an almost day-to-day basis. In the developing world, the police were insufficiently trained, ill-equipped, poorly paid and often lacked the capacity for proper investigation. Similarly, the judiciary was not adequately remunerated, court-houses were generally far removed from rural populations, record-keeping of proceedings was archaic, prison conditions did not meet the minimum standards, legal aid and advisory services were not available to the poor, and the offices of those responsible for advising Governments on legal matters suffered from a shortage of professional manpower.

55. The draft resolution thus reaffirmed that the rule of law and the administration of justice were prerequisites for sustainable economic and social development. In its preambular paragraphs, it took cognizance of the fundamental principles of the indivisibility and interdependence of human rights and fundamental freedoms and emphasized the primary role of the Government in ensuring their respect and protection. The sponsors of the draft resolution were disturbed that the silent majority of the people were the real victims of the inadequacies of the administration of justice and had, on a number of occasions, expressed their readiness to make more resources available for that purpose. Operative paragraphs 4 to 7 thus called for the strengthening of national and regional institutions concerned with the administration of justice.

56. In recognition of the crucial role that the international community had always played and the limited resources at the disposal of developing countries, operative paragraphs 8 and 9 of the draft resolution made a strong appeal to the international community for assistance and to the Secretary-General of the United Nations to consider favourably any requests for assistance in that regard.

57. Mr. HESSEL (France) said that the word "contexts" in the seventh preambular paragraph had been mistranslated into French as "particularités".

58. Draft resolution E/CN.4/1993/L.46/Rev.1 was adopted without a vote.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1993/L.48)

59. Ms. PARK (Canada), introducing the draft resolution on behalf of its sponsors, said that it reflected the thrust of resolutions adopted by the Commission in previous years by consensus. The right to freedom of opinion and expression was central to promoting both political rights and development and was an essential component of human dignity. Appointing a special rapporteur would demonstrate the Commission's continuing determination to protect that basic human right.

60. After consultations with interested delegations and with a view to reaching a consensus, the sponsors wished to make the following technical

changes to the draft resolution: in the first and second lines of the eighth preambular paragraph the words "to the protection of the right to freedom of opinion and expression" should be deleted, while, in the fifth line of the same paragraph, the words "has finished the first reading and" should be added after the words "working group". In the third line of operative paragraph 9, the word "particular" should be deleted; in the second line of operative paragraph 12 the word "whenever" should be replaced by "wherever"; and in the fifth line of the same paragraph, the words "as affirmed in the Universal Declaration and the Covenant" should be inserted after the word "opinion". At the end of operative paragraph 13, the words "as affirmed in the Universal Declaration and the Covenant" should be added and, in the fifth line of operative paragraph 18, the words "Governments concerned" should be replaced by "the Commission".

61. The sponsors hoped that those changes would enable the draft resolution to be adopted by consensus.

62. Mr. PACE (Secretary of the Commission) said that the delegations of Cyprus, Gambia, Germany, Japan, the Netherlands, Portugal, Romania, Uruguay and Zambia and the observers for Hungary and Switzerland had joined the list of sponsors.

63. Mr. ZHANG Yishan (China) said that a common understanding had been reached in the Commission that there were too many special rapporteurs and that the system should be rationalized, but the draft resolution proposed to appoint yet another special rapporteur. Moreover, the Commission's practice lacked balance, because the special rapporteurs ignored economic, social and cultural rights.

64. As the Commission would be restructured after the World Conference on Human Rights, any appointment of a special rapporteur should be postponed until after the Conference. Nevertheless, in view of the wishes of most delegations, his own would join the consensus on the draft resolution.

65. Mr. KHOURY (Syrian Arab Republic) said that the International Covenants on Human Rights were both of equal importance and should therefore receive equal attention, yet most special rapporteurs and working groups focused on only one of the two instruments. The Conference should endeavour to overcome that imbalance.

66. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation would have preferred further consultations with the sponsors so as to improve the text of the draft resolution. It was most unfortunate that it had not become available in all languages at the same time.

67. In his delegation's view, there was an inconsistency between operative paragraphs 1 and 2, which spoke of detention "in many parts of the world", and operative paragraph 6, which referred more reasonably to the fact that such detention occurred in "all parts of the world". For consistency's sake, the former paragraphs should be brought into line with the latter. Furthermore, the words "where appropriate" should be added to all references in the draft resolution to the International Covenant on Civil and Political Rights to allow for the fact that not all States were parties to that instrument.

68. Mr. TABATABAEE (Islamic Republic of Iran) said he agreed with the representatives of China, the Syrian Arab Republic and Cuba. His delegation was concerned about certain formulations in the text. It had received the text quite late, and would have liked to have had more time to consider it.

69. Mr. KHAN (Pakistan) said that his delegation had reservations about operative paragraph 11. The proliferation of special rapporteurs was a matter of deep concern to his Government.

70. Mr. HERRÁN-LIMA (Canada) said, with reference to the remarks made by the representative of Cuba, that the wording of operative paragraphs 1, 2 and 6 had been taken from the resolution on the subject adopted by the Commission in 1992 by consensus. As for the International Covenant on Civil and Political Rights, it was well-known that certain States had not yet acceded to that instrument and, consequently, under international law, were not covered by it.

71. Draft resolution E/CN.4/1993/L.48, as orally revised, was adopted without a vote.

Draft resolution on human rights and forensic science (E/CN.4/1993/L.49)

72. Mr. BOITCHENKO (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that its purpose was to help put an end to serious human rights violations in connection with extrajudicial executions, involuntary disappearances, torture, etc. Experience in recent years had shown that, for lack of trained specialists, it was difficult for international organizations and national institutions to ensure the administration of justice. In view of the importance of the subject and the need for international cooperation, his delegation hoped that the draft resolution would enjoy unanimous support.

73. Mr. PACE (Secretary of the Commission) said that operative paragraphs 2 and 3 of the draft resolution would entail an estimated cost of US$ 71,500; the statement of financial implications would be circulated as document E/CN/4.1993/L.108.

74. Draft resolution E/CN.4/1993/L.49 was adopted.

Draft resolution on the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/L.52)

75. Mr. RODRIGUEZ ALPIZAR (Costa Rica), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Australia, Romania and the United States of America and the observer for the Dominican Republic, reviewed the salient points of the text. As the open-ended working group had not yet formulated its conclusions, the Commission would request it to meet between sessions for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and submit a report to the Commission.

76. Mr. KHOURY (Syrian Arab Republic) said he disagreed with the sixth preambular paragraph; periodic visits did not constitute the fundamental motivation for the continuation of the efforts of the working group.

77. Draft resolution E/CN.4/1993/L.52 was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/1993/L.53)

78. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Gambia, Romania and the United States of America and the observers for Cameroon and the Philippines, reviewed its main points. There was a small change to be made: the words "and to collaborate closely with the Governments concerned to find and identify those children" should be inserted at the end of operative paragraph 18.

79. Draft resolution E/CN.4/1993/L.53 was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1993/L.55)

80. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, recalled that the Chairman of the Commission had himself submitted resolution 1991/42 two years previously, establishing a Working Group on Arbitrary Detention. In 1992, the Commission had welcomed the very prompt establishment of the Working Group, consisting of five outstanding experts from all parts of the world. The purpose of the current draft resolution was to take note of the Working Group's first substantial report (E/CN.4/1993/24).

81. The five experts had carried out their task with intelligence and conscientiousness, stressing three aspects of their work: cooperation with all parties concerned in the cases brought to their attention; coordination with all relevant existing bodies; and the prevention of problems connected with the arbitrary deprivation of liberty.

82. The experts had, however, to be supported in their efforts to intensify their dialogue with States. That was the object of the draft resolution, in which all the new paragraphs reflected recommendations contained in the report and were designed either to secure the greatest objectivity for the Working Group, to strengthen its coordination with other bodies, or to pursue and reinforce its dialogue with States, in particular by referring to the possibility of visits to countries which would like to receive it. The delegations of Germany, Tunisia and the United States of America and the observers for Norway and the Philippines wished to be added to the list of sponsors.

83. Mr. PACE (Secretary of the Commission) said that, in addition to the information given in the original statement of financial implications on the occasion of the establishment of the Working Group, the funds required to cover field missions in 1993 would amount to US$ 192,800.

84. Draft resolution E/CN.4/1993/L.55 was adopted.

Draft resolution on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/L.56)

85. Mr. SORMUNEN (Finland), introducing the draft resolution on behalf of its sponsors, told the Commission that, as on 10 December 1992, 71 States had ratified and another 16 had signed the Convention against Torture. The draft resolution before the Commission urged all those States which had not yet done so to become parties to the Convention. The important functions of the Committee against Torture were examined, and stress was laid on the request that it should be provided with adequate staff and other resources in the Centre for Human Rights.

86. The draft resolution also encouraged the States parties to accept the amendments to articles 17 and 18 of the Convention enabling members of the Committee to receive emoluments from the United Nations regular budget. Finally, the importance of the observance by States parties of their financial obligations under the Convention was re-emphasized.

87. The delegations of Canada, Costa Rica and Venezuela wished to be added to the list of sponsors, while the delegation of the United States of America wished to withdraw.

88. The draft resolution E/CN.4/1993/L.56 was adopted.

Draft resolution on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1993/L.57)

89. Mr. SORMUNEN (Finland), introducing the draft resolution on behalf of its sponsors, said that the text was based on the conviction that the campaign against torture included the provision of assistance to the victims of torture and to their families. The Voluntary Fund had been established to serve that purpose.

90. To be able to respond to the increasing number of requests for assistance, the Fund needed further contributions on a regular basis. In addition, sufficient staff and computer equipment were needed in the Centre for Human Rights to guarantee the Fund's effective functioning. Consequently, the draft resolution requested that those needs be met.

91. At the same time, appreciation was extended to those already contributing to the Fund. The delegations of Gambia and Tunisia and the observer for Cameroon wished to be added to the list of sponsors.

92. Draft resolution E/CN.4/1993/L.56 was adopted.

Draft resolution on staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1993/L.61)

93. Mr. CABRAL (Portugal), introducing the draft resolution on behalf of its sponsors, said that the question of respect for the human rights and the privileges and immunities of United Nations staff members must continue to be of the utmost importance of the Commission, which had special responsibilities on that issue not only for humanitarian reasons but also because an important

part of its work was based on information obtained in loco by working groups, special rapporteurs, experts and all the other staff members that supported their activities. The objectivity and impartiality of the reports submitted to the Commission were incompatible with any kind of pressure upon those individuals.

94. The text before the Commission followed the same lines as that it had adopted in 1992, but contained some new elements in order to take account of developments that had occurred in the interim. In that context, he drew attention to operative paragraph 1, which took note with interest of the updated report of the Secretary-General, to operative paragraph 2, which took note of the final report submitted to the Sub-Commission by its Special Rapporteur, to whom the sponsors wished to pay special tribute, and to operative paragraph 3, which requested the Secretary-General to take steps aimed at ensuring the application of the recommendations contained in her report. On the negative side, the new sixth preliminary paragraph expressed grave concern that a significant number of United Nations staff members had been killed since January 1992.

95. He wished to propose a very small oral revision which should not cause difficulty to any delegation. In the second line of operative paragraph 5, the sponsors would like to insert the word "security" after the words "human rights". If the draft resolution were adopted, the Commission would not need to take action on draft resolution IV referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The delegations of Australia, Germany and the Republic of Korea and the observers for Cameroon and Slovakia wished to be added to the list of sponsors.

96. Draft resolution E/CN.4/1993/L.61, as orally revised, was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1993/L.63)

97. Mr. REYN (Observer for Belgium), introducing the draft resolution on behalf of its sponsors, said that recourse to torture constituted one of the most serious violations of human rights and must be universally condemned. The principle of the prohibition of torture continued to be flouted in far too many countries. The sponsors attached particular importance to the work of the Special Rapporteur on questions relevant to torture and were concerned to initiate an open dialogue with States to invite them to take the necessary measures to put an end to it.

98. The preamble recalled the Commission's interest in the eradication of torture and listed the various instruments available to the international community to attain that objective. The operative part was based on the contents of Commission resolution 1992/32 and on the recommendations contained in the Special Rapporteur's report (E/CN.4/1993/26).

99. The sponsors wished to make some technical revisions concerning the designation of a new Special Rapporteur. A new operative paragraph 23 should be inserted, reading "Takes note with regret of the resignation of Mr. Kooijmans as Special Rapporteur and expresses its gratitude to him for the manner in which he has discharged his functions". A new operative

paragraph 24 would read: "Requests the Chairman of the Commission, after consulting with the Bureau, to appoint an individual of recognized international standing as a Special Rapporteur". The delegations of the United States of America and the observers for the Philippines and Slovakia wished to be added to the list of sponsors.

100. Mr. PÉREZ NOVOA thanked the sponsors for the flexibility and understanding they had shown in meeting some of the concerns expressed by his delegation with respect to the draft resolution.

101. Draft resolution E/CN.4/1993/L.63, as orally revised, was adopted.

Draft resolution on human rights in the administration of justice (E/CN.4/1993/L.64)

102. Mr. THEUERMANN (Austria), introducing the draft resolution on behalf of its sponsors, said that the text followed similar resolutions on the subject adopted annually by the Commission on Human Rights and biennially by the General Assembly. It reaffirmed the importance of the full and effective implementation of all United Nations standards in the administration of justice and reiterated the call to all Member States to spare no efforts in that regard.

103. It called upon the Commission's subsidiary bodies to give special attention to questions relating to the effective protection of human rights in the administration of justice and stressed the desirability of providing States with assistance, in particular under the advisory services programme. Finally, it referred to the need for enhanced cooperation between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice.

104. The Commission on Human Rights had just adopted another resolution on human rights in the administration of justice (E/CN.4/1993/L.46) with particular reference to Africa and other developing countries. Whereas that text, in following up the respective conclusions of the Regional Meeting for Africa of the World Conference on Human Rights dealt with the administration of justice especially in Africa and other developing countries and with the need for assistance by the international community in that context, the draft resolution currently before the Commission dealt with those questions in a more general and universal manner, addressing in the first instance the United Nations system itself.

105. The two texts were both important, fully compatible and mutually reinforcing. The observers for Norway and Slovakia wished to be added to the list of sponsors.

106. Draft resolution E/CN.4/1993/L.64 was adopted.

107. The CHAIRMAN drew attention to the draft resolutions submitted to the Commission by the Sub-Commission including No. IV entitled "Question of human rights and states of emergency", No. V entitled "Question of the impunity of perpetrators of violations of human rights", and No. VIII entitled "Independence and impartiality of the judiciary, jurors and assessors and the

independence of lawyers" (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chap. I, sect. A). Draft resolution No. VI entitled "Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations" had become redundant, since the Commission had already adopted draft resolution E/CN.4/1993/L.61.

Draft resolution IV

108. Mr. PACE (Secretary of the Commission) said that the financial implications would amount to US$ 16,375, to enable the Special Rapporteur to travel to Geneva and to be assisted by a specialist for a period of three months.

109. Draft resolution IV was adopted.

Draft resolution V

110. Mr. PACE (Secretary of the Commission) said that the estimated amount needed to implement that draft resolution would be approximately US$ 20,100 for 1993 and US$ 20,500 for 1994, representing travel for the Special Rapporteurs for consultations and expert assistance for the equivalent of three months.

111. Draft resolution V was adopted.

Draft resolution VIII

112. Mr. PACE (Secretary of the Commission) said that the estimated sum needed to implement the draft resolution would be US$ 15,400 for 1993 to facilitate the travel of the Special Rapporteur for consultations with the Centre for Social Development and Humanitarian Affairs in Vienna and for consultancy support in the amount of US$ 10,200.

113. Draft resolution VIII was adopted.

114. The CHAIRMAN drew attention to draft decisions No. 3 entitled "Right to a fair trial", No. 8 entitled "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms" and No. 11 entitled "Study of the issue of the privatization of prisons" recommended to the Commission by the Sub-Commission and contained in chapter I, section B of the same document.

115. Draft decisions 3, 8 and 11 were adopted.

The meeting rose at 6.15 p.m.

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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 March 1993, at 7 p.m.

Chairman: Mr. GARRETON (Chile)
later: Mr. FLINTERMAN (Netherlands)

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Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment,

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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CONTENTS (continued)

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

The meeting was called to order at 4.15 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 10) (continued) (E/CN.4/1993/4, 20, 21*, 22, 23 and Add.1-2, 24, 25 and Add.1, 26-28 and 86; E/CN.4/1993/NGO/7, 9, 10, 18-20 and 22; E/CN.4/1992/17 and Add.1, 18 and Add.1 and 20; E/CN.4/Sub.2/1992/9 and Add.1, 17, 19, 22, 23/Rev.1 and 24 and Add.1-3; A/47/662; A/RES/47/109)

1. The CHAIRMAN invited delegations wishing to explain their votes on the draft resolutions under agenda item 10 to take the floor.

2. Mr. HAMZEI (Islamic Republic of Iran) said that although his delegation had joined the consensus on draft resolution E/CN.4/1993/L.48, it wished to place on record its reservations concerning paragraph 11, for the reasons it had already given. In addition, it had reservations concerning draft resolution E/CN.4/1993/L.36, under item 20, which used certain terms without giving them a sufficiently precise definition.

3. Mr. SRIWIDJAJA (Indonesia) said that, although his delegation agreed with the thrust of draft resolution E/CN.4/1992/L.48, it had reservations on paragraphs 11 et seq. referring to the appointment of a special rapporteur. Such an initiative was more appropriate in the framework of the discussions on improving United Nations human rights machinery and institutions at the forthcoming World Conference on Human Rights.

4. Mr. HESSEL (France) said that his delegation had reservations concerning the way in which the final amendments to draft resolution E/CN.4/1993/L.48 had been adopted. In particular, it did not wish to see the words "as appropriate" ("le cas échéant"), appearing before the reference to the Covenants, become a precedent for the Commission.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1993/7, 36-40, 41 and Add.1, E/CN.4/1993/42, - 49, 75, 76, 79, 82, 86, 95, 99, and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31, and 38)

5. Ms. BROCK (Third World Movement against the Exploitation of Women) said that continuing militarization in third world countries, specifically in the

Asia-Pacific region, had led to a series of human rights violations of which women were the principal victims.

6. In the Philippines, the Government brandished its repeal of Republic Act 1700, the Anti-Subversion Act, as a major step towards peace and the promotion of human rights. In fact, the repeal of the Act did little to promote freedom of expression in the country, as political detainees were charged under Presidential Decree 1866, relating to rebellion and sedition, which were crimes not subject to bail. Military atrocities continued and the perpetrators of human rights violations enjoyed impunity. The Government's total war policy was said to be aimed at wiping out insurgency, but in the process, it meant displacement of people from their homes, destruction of their property and livelihood, food blockades, harassment, extrajudicial killings, arrest and detention and the closing-down of community organizations. The policy also isolated affected communities complicating the monitoring of government actions. Over 1.3 million people had been displaced in the six years of the policy's implementation, thousands had suffered starvation and an alarming number of children had died. Thousands had been arrested, usually on the basis of mere suspicion and a large number of them had been tortured; in a number of cases persons killed by the military, who claimed that they were NPA members, had later been identified as innocent civilians.

7. In that situation, women and children suffered most. Women played the key role in maintaining social structures in communities, which were the first target of the total war policy. The practice of violence against women, particularly sexual violence, was also common. Other targets were indigenous people who were forced out of their ancestral domains and whose culture was being destroyed.

8. In its claim to be in pursuit of peace, the Philippine Government had established the National Unification Commission to conduct peace consultations and taken some steps to respond to the demands of victims of abuses and the international community. However, those actions were partial and appeared to be implemented only where they provided a public relations bonus for the Government. Positive steps were too often matched by retreats elsewhere: the repeal of RA 1700 was negated by the continued operation of PD 1866. The reimposition of the death penalty contravened the letter and spirit of the Constitution and placed in question the Philippine Government's position vis-a-vis a number of international instruments.

9. Her organization's apprehension was that the Government's talks about peace were being used to bolster its image and deflect international attention from the continuing violations. Evidence of its aim to crush the insurgency by 1994, if not with peace then with might could be seen everywhere. The military budget had been increased, there was heavy deployment of army troops in "rebel infested" areas, the paramilitary Civilian Armed Force Geographical Unit (CAFGU) was expanding rapidly and the reimposition of the death penalty had been approved by the Congress.

10. Over 60,000 individuals had been displaced in 1992 alone. The safety of the evacuees had not been assured, nor had they been indemnified for the destruction of their property; detachments and checkpoints remained in their

communities. Fanatical anti-communist groups proliferated and were supported by the Government through their membership in the CAFGU. Together with the Philippine military, those militiamen created an atmosphere of permanent repression and fear in communities.

11. The Government's refusal to disband the CAFGU, despite its consistent and documented pattern of abuses, and recommendations to that effect from NGOs, ILO, members of the European Parliament, the Working Group on Enforced and Involuntary Disappearances and the Special Rapporteur on torture, was indicative of the impunity and complicity that supported CAFGU crimes; the most glaring example was the fact that the government officials who had aided the escape of Norberto Manero, the head of the fanatical group that had murdered Italian priest Fr. Tulio Favali, were not in prison.

12. In the light of the foregoing, her organization requested the Commission to look thoroughly into the Philippine situation, which should be seen as one example of a number of country cases warranting its concern. In addition, it urged the Philippine Government to discharge fully its responsibilities under the international human rights instruments ratified by it and to implement immediately the recommendations of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture. Finally, it requested a detailed report on the progress achieved at the Commission's next session.

13. Ms. MOLINA (Commission for the Defence of Human Rights in Central America) said that the human rights situation in Central America had to be assessed against a backdrop of extreme poverty, as a direct result of the prevailing social injustice aggravated by the structural adjustment measures implemented by Governments at the behest of the international financing agencies. In recent decades, lack of respect for the fundamental rights of the people had become the rule, and problems such as impunity, continuing militarization, enforced disappearances, torture and intolerance by the groups in power combined with social injustice to form the sitution in Central America.

14. The most serious cases in the region were those of Guatemala and El Salvador. Six years after the Commission's decision to remove Guatemala from the purview of agenda item 12 in order to give the new, democratically-elected Government an opportunity to improve the situation in the country, human rights violations were taking place in a context of absolute impunity. The Guatemalan system of justice was powerless to punish the culprits, mainly because of the awesome power of the military over the country's entire political, economic and social life.

15. In 1992, there had been 443 individual extrajudicial executions, principally of university professors and students, members of the Church, trade union leaders, indigenous people, human rights defenders, street children and journalists, and 10 mass killings causing 41 victims.

16. Members of the army were not the only perpetrators of human rights violations. Under their aegis, the Self-Defence Groups (PACs) and paramilitary groups, under the protection of the army, were responsible for serious and systematic violations of the rights of the civilian population in

general and the indigenous populations in the rural areas of the country in particular. She noted that the Guatemalan army was the largest in Central America, with 45,000 troops, and that a conservative figure for the members of the PACs would be 450,000, mostly indigenous people forcibly recruited to act against their own communities. Together, the army and the PACs had caused thousands of people to become exiles, both inside and outside the country; the internally displaced persons had been victims of persecution, threats, restrictions on freedom of movement, lack of identity papers, attacks against their lives, bombings and arbitrary detentions accompanied by torture, in a campaign to portray them as members of subversive groups attempting to destabilize the country.

17. In El Salvador, despite the inception of a peace process with the signing of the Peace Accords between the Government and the Frente Farabundo Martí para la Liberación Nacional, the human rights situation continued to give rise to concern. The violence in recent months had been directed against many leaders of grass-roots movements, members of the FMLN, trade unionists, students and human rights defenders. According to the report of the Independent Expert of the Commission (E/CN.4/1993/11) the Human Rights Division of ONUSAL had received 190 complaints of executions and deaths in 1992. In many of those violations, the methods were similar to those used in the past by the death squads. Many of the cases of deaths and torture reported had occurred in Municipal Police cells.

18. Despite President Cristiani's promises, the purging of the army had not been completed, and the members of the military who had been purged had been compensated whereas the victims of human rights violations and their relatives had not. In addition, the Government had weakened the organs established as a result of the Peace Accords, such as the National Civil Police, by paying them salaries far lower than that of the military. In addition, the reactions of the Government and the armed forces to the campaign against impunity for the military conducted by certain NGOs and trade unions in El Salvador jeopardized the role of NGOs in clarifying human rights violations. It was essential for the Government to publicize the results of the investigation conducted by the Ad Hoc Commission with a view to ending impunity.

19. For the foregoing reasons the cases of both El Salvador and Guatemala should be considered under agenda item 12.

20. Ms. REIS (Movement against Racism and for Friendship Among Peoples) said that her organization joined other NGOs in protest against the repression of entire peoples whose only sin was their struggle for self-determination. For that reason it wished to restate its support of the United Nations peace plan for self-determination in Western Sahara, in the hope that its implementation would not be undermined by the Moroccan side, and to demand an immediate end to the war situation prevailing in the 13 Kurdish provinces of Turkey, with the recognition of the right of self-determination.

21. However, it was the issue of self-determination in East Timor that had the value of a test for all in judging the commitment of the United Nations to the building of peace and justice.

22. She said that she was speaking on behalf of East Timorese women, some of whom had recently issued a statement about violations against women committed by the Indonesian forces of occupation. The statement said that in addition to their suffering at the arrest and torture of their husbands and disappearances of family members, the women themselves were subjected to atrocities. Many women had been killed and others had lost children during the massacre in Santa Cruz on 12 November 1991, and since then, the nuns living in the Cannosion Convent in the district of Baucau had been kept in a state of fear by the Indonesian troops. In September 1992, 40-year-old Cornelia Cabral had been beaten and burnt with cigarettes on suspicion of giving help and support to the Armed Forces for the Liberation of East Timor, FALINTIL. In another incident a 16-year-old student had been raped and tortured by the deputy commander of the military command of her district. After the capture of Mr. Xanana Gusmao, an East Timorese woman had been forced to allege that he had raped her, a grotesque allegation that had later been reported in a scurrilous article about him in an Indonesian daily newspaper. It was likely that Gusmao's friends would be forced to testify against him at his trial, currently under way in Dili. In addition, his sister and brother-in-law had been arrested by army intelligence and subjected to violent torture, as had other friends.

23. She called on the Commission to investigate human rights violations in East Timor by the Indonesian forces of occupation, to pay special attention to the sufferings of women, especially the atrocity of rape, to take more concrete measures to end human rights abuses and to urge the Governments of Portugal and Indonesia to continue their talks under United Nations auspices to ensure implementation of the Security Council and General Assembly resolutions on East Timor.

24. Mr. SANTOSO (Movement against Racism and for Friendship among Peoples) said that on 23 January 1993 people in the village of Blangguan, a small and isolated village in East Java, had been about to begin a peaceful protest against the expropriation of their fertile land by the marine corps when they had been harassed and interrogated by the marines and the police. Shortly afterwards, the Government had attempted to end the dispute by issuing a decree stating that the land in question was legally owned by the marines. That incident was only one example of how people in Java or other islands had lost their land without being consulted or receiving proper compensation. In the case of Blangguan, before the Government intervention, 17 students had been arrested in separate places and severely tortured under interogation by the police and army in Surabaya, the capital of East Java. He described some of the methods of torture to which they had been subjected, the most brutal of which was electrocution. As a result of the torture, some students had suffered serious mental and physical damage. Those experiences were just a small part of the culture of violence that dominated Indonesian society under the New Order regime.

25. He appealed to the Commission to take concrete action to investigate the human rights situation in Indonesia and in the occupied territories such as Aceh and East Timor, since innumerable human rights abuses took place throughout the archipelago.

26. Mr. Flinterman (Netherlands) took the Chair.

27. Mr. FOSTER (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that China should be brought under the same scrutiny as other serious violators of human rights. Among issues of concern was the repressive treatment of Muslims, in particular the Ugyurs of East Turkistan, who had a long history with ties to the Middle East and Turkey rather than to China.

28. The situation in Tibet should be addressed as a separate matter, the root cause of which lay in the illegal Chinese occupation and colonialist administration. The struggle for the restoration of Tibet's freedom had little to do with the Chinese dissident movement.

29. Concerning the situation in East Timor, he called upon the Commission to adopt a resolution which should, at the very least, once again urge that access be granted to human rights organizations. Indonesia should also be called to account for its violations of human rights in West Papua and Aceh.

30. Human rights organizations should also be permitted to investigate the situation in the Western Sahara.

31. It was essential that fact-finding and conflict resolution missions be sent to Bougainville and Papua New Guinea, where gross violations of human rights must be investigated as a matter of urgency. The fact that the Chairman of the Pacific Forum in his capacity as Prime Minister of the Solomon Islands, had just announced its wish to co-sponsor the draft resolution that was being prepared on the subject (E/CN.4/1993/L.51) was an earnest of regional concern.

32. He noted that in its response to an earlier statement, the Bangladesh Government and ignored the 800,000 Jummas, the indigenous people of the region. While the claim by the Bangladesh Government that the situation was normal in the Chittagong Hill Tracts should be treated with scepticism, especially since access by foreigners to the region remained virtually impossible, the announced start of a process of negotiation between the Government and the Jumma people was to be welcomed; the process should, however, be monitored carefully, and the Government should be encouraged to take the reasonable demands of the Jumma people seriously.

33. The Commission should pay closer attention to the treatment inflicted on the Greek minority in Albania, where discrimination went hand in hand with policies aimed at assimilation or the enforced displacement of populations from their ancestral lands.

34. The Unrepresented Nations and Peoples Organization had recently sent a fact-finding mission to Abkhazia, Georgia and the Northern Caucasus, where the situation had been found to be deteriorating, notably as a result of the atrocities committed against Abkhazians by Georgian troops. He commended UNPO's report to the Commission.

35. In conclusion, he said that 1993, the International Year for the World's Indigenous People, should be seen not as an end in itself, but should stimulate closer attention on the part of the Commission and affiliated bodies to the plight of indigenous peoples everywhere, and mark the beginning of a

policy to recognize the rights and aspirations and to rectify past wrongs, in a climate of real and effective partnership based on equality and respect for the dignity of all people.

36. Mr. RAMOS-HORTA (National Aboriginal and Islander Legal Services Secretariat), pointing out that he himself was an East Timorese, recalled the occasion, almost two decades earlier, when he had personally received assurances from the then Indonesian Minister for Foreign Affairs and Vice-President of the Republic, late Adam Malik, that the Government held the independence of every country to be the right of every nation with no exception for the people of Timor; and that it had no intention of expanding its territory or occupying other territories. Events since then had certainly given the lie to those assurances.

37. There was no lack of documentary evidence of Indonesia's abuse of human rights in East Timor in the numerous reports before the Commission, which had also heard many oral interventions on the matter under items 9, 10 and 12; representatives of the incriminated country had responded with what were half-truths, distortions and outright lies, as the speaker proceeded to demonstrate, with particular reference to the trial of Mr. Xanana Gusmao.

38. True, the Indonesian representative had, before the Commission, on 4 February, stated that: "the civilian population is subjected to the unlawful use of lethal force, disruption of normal life and activities, restriction of movements, destruction of dwellings, imprisonment and incarceration of political detainees and civilians without trial, not to mention other violations of human rights and universally accepted norms of international law and conventions". But, alas, although that statement accurately reflected the situation in the occupied territory of East Timor, the speaker had been referring to the occupied west bank and Gaza. ...

39. Expressing regret that the draft resolution prepared on behalf of the European Community failed - albeit for understandable reasons - to propose the appointment of a Special Rapporteur on the situation in East Timor, he nevertheless commended the draft to the Commission. On-the-spot investigation by the thematic rapporteurs and working groups would certainly respond to Indonesia's own legitimate demands for the balanced reporting, as well as the concerns of organizations such as that in whose name he spoke. In that connection, he inquired about the status of the report by the Personal Envoy of the Secretary-General on the massacre of 12 November 1991, which had yet to be made public.

40. Just as lip-service to the principles of Islam whenever the votes of Muslim countries were needed could not hide the fact that some of the most persecuted and impoverished members of Indonesian society were the Muslims of Aceh and Sumatra, no amount of official denial would be sufficient to cover up the ugly truth of Indonesia's colonization of East Timor. Shrill appeals to narrow-minded nationalism, name-calling, abuse and the questioning of the credentials and credibility of those who opposed Indonesia's conduct would not prevent the triumph, sooner rather than later, of the truth.

41. Mr. LUTHI (International Human Rights Internship Program) addressed the plight of the 27,000 million Kurds of Turkey, Iraq, Iran and Syria, and - more

specifically - the serious degradation of their situation in Turkey during the past 16 months. To the assassination (undoubtedly in most cases at the hands of "death squads" reminiscent of those found in the dictatorships of Latin America) of politicians, of journalists maligned by the Prime Minister as "activists" and, among other individual victims, of the great Kurdish writer Musa Anter must be added the indiscriminate massacre, intimidation, and internal displacement of hundreds of simple citizens. In flagrant defiance of the Security Council, and with scant respect for the provisions of numerous international instruments ratified by Turkey, towns and villages had been destroyed by bombardment or fire in reprisals based on false accusations against the opposition Kurdish Workers' Party (PKK) which had, in fact, unilaterally accepted a call from the European Parliament for an end to armed confrontation and the settlement of the Kurdish problem by peaceful means.

42. He drew attention to the fact that the month of March marked the Kurdish New Year, Newroz, an occasion which, in 1992, had been marked by murderous violence against the Kurdish people at the hands of the security forces. Particular vigilance would therefore be called for in the coming days and weeks. It was, moreover, indispensable for the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on Enforced or Involuntary Disappearances to visit the Kurdish regions of Turkey and Iraq; they should be requested to submit to the Commission at its fiftieth session a comprehensive report on the legal, social, economic and demographic situation throughout the region.

43. Mr. SIMMONS (International Indian Treaty Council) recalled that the human rights and fundamental freedoms of indigenous nations had been grossly violated across the Americas for 500 years, a process pursued in modern times by colonial and foreign settler governments practising double standards in the human rights domain. Contemporary protest had received a catalytic boost in February 1973 with the action by the American Indian Movement at Wounded Knee, and the International Indian Treaty Council, which had held its fourteenth international conference at San Francisco in October 1992 now represented 98 Indian nations in the Americas, the Pacific Islands and Asia.

44. Indigenous peoples accounted for 300 million of the world's inhabitants. The struggle against the continued violation of their rights was being waged in very many places: in the United States, where Indians were harassed and intimidated by federal agents; in Hawaii, where they were marginalized as foreign interests plundered their ancient heritage; in El Salvador, where, contrary to what had been claimed, the human rights situation showed little sign of improvement and where members of the armed forces responsible for violations continued to enjoy impunity; in Guatemala, where the situation merited consideration under the Commission's agenda item 12; on the blockaded, besieged and martyred island of Bougainville; in Sri Lanka, where the situation was the subject of a joint statement endorsed by IITC and 25 other non-governmental organizations, calling for a strongly-worded resolution by the Commission; in East Timor, where harsh physical and psychological pressures were being brought to bear on people to make them renounce support for the independence movement; and in Morocco and the Western Sahara, where the release of a few prisoners must not hide the fact that almost a thousand "disappearances" had been recorded since 1975.

45. Mr. ZUÑIGA REY (International Immigrants Foundation, Inc.) said that the report on the situation of human rights in Cuba contained in document E/CN.4/1993/39, together with the information on Cuba to be found in the reports by the thematic rapporteurs, confirmed what a number of political exiles had been reporting to the Commission for the past 34 years, namely, that all fundamental rights and freedoms were flouted in the island. The Government of Cuba regarded defenders of human rights as counter-revolutionaries, who were prosecuted on such catch-all charges as "enemy propaganda" and "dissemination of false information". The Commission and Special Rapporteur must devote special attention to those in prison in Cuba for defending human rights, such as Amador Blanco Hernández, detained for being in possession of two dozen copies of the Universal Declaration of Human Rights. A world campaign was under way to save the life of Mr. Hernández, who was on hunger strike.

46. The Commission must uphold the right of the Cuban people to receive visits by United Nations investigatory missions. It was incomprehensible and deplorable that democratic, freedom-loving fellow-Latin-American nations should persist, by their abstention from voting, in turning a blind eye to the situation of human rights in Cuba. The Cuban people deserved the same solidarity that the peoples of Argentina and Chile had received in their darkest hours.

47. The Commission had heard attempts to justify the repressive dictatorship in Cuba by presenting the problem as a confrontation between the United States of America and Cuba, and not as what it really was, namely, a confrontation between the Cuban people and its oppressor Government. Similarly, an attempt was made to link the Cuban tragedy with the United States refusal to trade with the Cuban Government, the so-called embargo. It must be clearly understood that the refusal by the United States of America to trade with Cuba was a purely commercial decision, the origins of which were to be found in the arbitrary confiscation without compensation of United States companies and property by the Cuban Government. It was in no way responsible for the violations of the human rights of the Cuban people, for the absence of fundamental freedoms, or for the economic catastrophe afflicting the island. Was the United States of America responsible for enacting the laws referred to by the Special Rapporteur that curtailed fundamental rights and freedoms? What the Cuban Government was seeking to conceal behind a cloak of rhetoric was the thousands of persons who had been shot or imprisoned in Cuba. Nor could the island's economic catastrophe be blamed on the United States trade embargo: all countries with a communist system had experienced a similar catastrophe. Cuba traded with every nation of the world; to speak of an economic blockade was a fiction. If the Cuban people lacked food, medicines and consumer goods, that was because of the Government's administrative incompetence and the enormous cost of its military involvement in other continents.

48. What had become of the thousands of millions of dollars that Cuba had borrowed from other countries? What had become of the thousands of millions of dollars it had received from the former Soviet Union in price subsidies? The answer was simple. They had been used to establish the World's eighth most powerful army, the most sophisticated intelligence and repression apparatus in the western hemisphere, and a worldwide communist propaganda

network. The Cuban people had received no benefit from that money; instead, food, clothes and consumer goods had been rationed for the past 31 years; there were shortages of housing and transport; ambulances were drawn by horses; special clinics were reserved for members of the Communist Party elite; but ordinary people had to make do with herbs and medieval remedies.

49. Member States of the Commission must realize that any new credits or funds allocated to the Cuban Government would be used only to share out privileges among the governing élite and strengthen the military and security apparatus. The people would continue to eke out a wretched existence. Even more important than halting violations of human rights, then, was eradication of their cause. The Cuban Government should allow investigators and the Special Rapporteur free access to the island. In a matter of months they could produce a report confirming or denying his claims. But that would not happen, because the Government still remembered what had happened during the visit to Havana in 1988 by the Working Group of the Commission, when thousands of people had braved police cordons as they flocked to give evidence against the regime, at a time, moreover, when the communist empire had still been intact and the chances of their protests being heeded had seemed infinitely remote.

50. The reports received by the Special Rapporteur had come, not from Miami or New York, but from human rights groups within and throughout Cuba, who had put their names to those reports and were ready to vouch for their contents; The Coalición Democrática Cubana alone had submitted 640 reports of violations. The report of the Special Rapporteur, which, incidentally, had been extremely moderate in its allegations, had been greeted with the usual torrent of abusive rhetoric. However, it was facts, not rhetoric, that counted; and the United Nations and its experts were in a position to determine the facts of the matter.

51. Mr. HERRERA (World Christian Life Community) said that the indigenous communities of Latin America called upon the international community to restore to them what was rightfully theirs by providing effective support for community projects to preserve their cultures and customs and to manage their cultural resources so as to build an autonomous future for themselves. In Peru, Decree-Law 25572 of 22 October 1992 had amended the 1992 budget law approved by Parliament before the coup d'état, reducing social expenditure by 42 per cent (NS 217 million) and increasing the amount allocated for payment of the external debt by NS 316 million. Meanwhile, in 1991 alone, the number of persons out of a total population of 18 million living in extreme poverty had risen from 7 to 12 million. Social inequalities, which were already extreme in Peru, had widened rapidly in recent years, breeding aberrant forms of violence, and equally aberrant responses by the Government and armed forces. The victims were peasants, indigenous peoples, trade union and popular activists. The Government had swept away the rule of law, replacing it by a State propped up by the armed forces and economic power. One reliable measure of the state of deterioration of democratic institutions in daily life was the freedom of lawyers to practice their profession: lawyers in Peru were imprisoned and killed; two of them, Alfredo Crespo and Jorge Cartagena, had been sentenced to life imprisonment for offering to defend Shining Path leaders.

52. His organization had welcomed the ratification by the United States of America of the International Covenant on Civil and Political Rights. However, it deplored the fact that, when asking Congress to ratify the Covenant in 1991, the Executive had maintained that the Covenant was not self-executing, and had entered a number of reservations, including one regarding article 6 (5) prohibiting imposition of the death penalty for crimes committed by persons below 18 years of age.

53. The situation of human rights in Haiti continued to deteriorate, the 1987 constitution remained suspended, and President Aristide was still in exile. The international community must step up pressure to bring about positive changes in Haiti, paying particular heed to the conclusions and recommendations contained in the report by the Special Rapporteur on Haiti (E/CN.4/1993/47).

54. Turning to the situation of human rights in Colombia, he said that no real will existed on the part of the judicial authorities and senior police officials to investigate and punish violations by agents of the State. Furthermore, the armed forces, and also the Colombian State by virtue of its tolerance of such crimes, had been responsible for individual or mass executions and persecutions of witnesses and whole populations that were tantamount to terrorism. Summary or arbitrary executions were a prominent feature of the state of emergency decreed in Colombia, the fundamental cause of which was unequal distribution of wealth and opportunities. Human Rights organizations seeking to redress the balance had met with a violent response from the State and economically powerful groups. Organizations at national and local levels working to secure fulfilment of their basic needs in fields such as education, health, public services and housing were the victims of constant harassment. For all those reasons, and to prevent an escalation of the violence, his organization requested that Colombia should be included on the agenda of the fiftieth session of the Commission under agenda item 12, and that special rapporteurs should be appointed to study the situation of human rights in Peru and Colombia, to investigate reports of summary and arbitrary executions, and requested to report back to the Commission.

55. Ms. OZDEN-NEURY (Centre Europe-Tiers Monde) said that a number of non-governmental organizations had joined together to coordinate their work on the situation of human rights in Haiti in the wake of the military coup of 29 September 1991. Her organization wished to focus on those paragraphs of the report by Mr. Bruni Celli (E/CN.4/1993/47) concerning representatives of trade unions and the media, who were harassed, threatened, attacked, and some of whom had had to go into hiding.

56. On 7 February 1986, with the fall of the Duvalier regime, the people of Haiti had gained freedom of speech. That freedom had again been muzzled following the coup d'état. Offices of the press and radio had been raided, journalists beaten up, and some murdered. Many, including foreign journalists, had been arrested. On 1 February 1993, while Mr. Dante Caputo, the United Nations Special Envoy, was negotiating arrangements for a visit by an international human rights mission with the de facto Government, employees of the de facto Government and former Tontons Macoutes had seized Colson Dormé, a radio reporter, and journalists working for Libété (Liberté), an opposition weekly, and had detained and tortured them. Trade unionists,

human rights activists and members of popular organizations and of political parties opposed to the military regime were also persecuted.

57. Her organization also wished to draw attention to the new spate of assassinations of exiled opponents of the regime in the Islamic Republic of Iran. It condemned the exportation of State terrorism, in which Iranian diplomats were implicated, to Germany, Austria, France, Turkey and Switzerland, to cite only the most recent examples. It called upon States on whose territory those murders had been committed to track down and prosecute the murderers.

58. Her organization had several times drawn attention to the alarming situation of the Kurdish people, whether in the Islamic Republic of Iran, in Iraq or in Turkey. Under agenda item 12 she wished to denounce the massive and systematic violations of human rights taking place in the Kurdish regions of south-east Turkey. Since August 1990, the European Convention on Human Rights, to which Turkey was a party, had been suspended in the Kurdish areas. The Turkish Government was thus free to engage in extrajudicial executions, arbitrary arrests, abductions and disappearances, intimidation and threats, in total impunity. In addition, Kurdish populations were being deported en masse, with a view to assimilating them and destroying their traditional culture. In 1992 alone, 297 villages had been evacuated, most of which had subsequently been destroyed or burned by the Turkish army. Many of the villagers had been arrested or summarily executed. During the same period, six towns had been largely destroyed by tanks and shelling. In mid-August 1992, the town of Sirnak had been totally devastated by security forces and almost the entire population had fled.

59. According to the organization Reporters sans frontières, Turkey headed the list of countries in which journalists had been killed in 1992, with a total toll of 56. Freedom of expression had been annihilated in Turkey. Human rights defenders, too, were persecuted and sometimes murdered.

60. The President of the Turkish Republic, Mr. Turgut Ozal, had recently stated that, where enemies of the Turkish nation were concerned, no holds were barred. The time had come for the international community to take effective measures to put an end to those massive and flagrant violations of human rights. The Commission should thus appoint a special rapporteur on Turkey.

61. Ms. BALAN-SYCIP (World Student Christian Federation) said that freedoms of expression and association continued to be severely limited in Cuba. At the end of 1992, scores of prisoners of conscience had been held in Cuban prisons, many of them critics of the Government or human rights activists. The Cuban Government had taken increasingly harsh measures against internal opponents, and several organizations concerned with respect for human rights had had their requests for official recognition denied. The human rights situation in Cuba could not, however, be divorced from the on-going confrontation between Cuba and the United States of America, which had greatly contributed to a climate of misunderstanding and hostility. Her organization was convinced that the continuation of the United States embargo against Cuba was unacceptable both from the Christian standpoint and from the standpoint of international law, and constituted a major obstacle to the kind of significant political change that might lead to respect and fulfilment of human rights in

Cuba. Changes in the international climate had rendered that confrontation obsolete; and it was time for the United States and Cuban Governments to put outdated political stereotypes behind them and engage in constructive dialogue.

62. Her organization strongly condemned the inhuman and unlawful deportation of 415 Palestinians by the Israeli Government, in violation of the Fourth Geneva Convention of 1949 and in defiance of Security Council resolution 799 (1992). It called on the Commission to urge the Israeli Government to end its policy of expulsion and arrange for the immediate and safe return of all 415 deportees.

63. The Peace Agreements reached more than a year previously in El Salvador had not generated the changes needed to guarantee full respect for human rights. Protection bodies and mechanisms were still weak; the old structures of repression and death had still to be dismantled. Chiefly as a result of the reluctance of some sectors within the political right and the armed forces to comply with the Peace Agreements, the problems that had triggered off the armed conflict had not yet been resolved. Quantitatively, human rights violations had decreased; yet deaths attributable to common crimes had increased - a source of grave concern, as that increase might in fact be a mask for the strengthening of activity by death squads. Statistics gathered from various press sources revealed a total of 274 registered violent deaths between August and November 1992, a rate of more than two murders a day. Seventy five or 27.3 per cent of the murders had been committed by unknown armed forces.

64. The problem was compounded by the fact that it was extremely difficult to ascertain how many of the executions were in fact politically motivated. The uncertainty would continue to exist since the legal authorities had not demonstrated the will to carry out full investigations and to punish those guilty of the violations.

65. The structural changes which would guarantee respect for and promotion of human rights had not yet been fully realized. The President's refusal to remove from the army 15 high-ranking military officials involved in cases of human rights violations and attempts to postpone the publication of the report of the Truth Commission gave cause for serious concern. Impunity would continue so long as the changes needed within the armed forces were not implemented and the reforms in the judicial system not put into place. The process of healing the wounds in El Salvador required international supervision, the commitment of the Government to guarantee genuine democracy, and the trust of the Salvadorian people in justice and the functioning of democratic institutions.

66. Even in the face of strong international pressure, ONUSAL had received threats which made it all the more incumbent on the international community to remain vigilant in safeguarding the gains of the peace process and ensuring that the peace accords were honoured. In that context, it was important to note that if the new institutions such as the National Civilian Police and the State Prosecutor's Office for the Defence of Human Rights were to carry out their mission, they must evolve and be strengthened according to the guidelines set by the Peace Accords.

67. Referring to the possibility of removing El Salvador from agenda item 12 on the basis of the argument that the signing of the Peace Accords El Salvador was proceeding towards the construction of a new society, she said that such an assessment could be made if the structures responsible for repression could in fact be dismantled. However, the intention of the Government not to purge the armed forces, not to publish the report of the Truth Commission, not to make the necessary reforms within the judicial system and not to take the specific steps required to guarantee the smooth functioning of the new institutions designed to promote respect for human rights would not put an end to impunity and therefore to violations of human rights.

68. The seeds of peace in El Salvador had been planted. Her organization urged the Commission to continue to study the situation in El Salvador under item 12 until the Peace Accords had been fully implemented and peace consolidated.

69. Mr. ESHAGHI (International Falcon Movement) said that in 1992, there had been mass demonstrations and protest movements in Iran against the regime of the Mullahs. In his report to the Commission (E/CN.4/1993/41), the Special Representative had referred to the most important disturbances. In resolution 1992/15, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had said that it was "Gravely concerned at the rise in the number of summary executions following the recent anti-Government demonstrations in cities such as Arak, Mashad and Shiraz, and at the arbitrary arrests of thousands of people during those demonstrations, attributed by the authorities to the Mojahedin". The international media and even the government press in that country had not failed to point out that the demonstrators had only been victims of an economic and social disaster and were claiming their most elementary rights, i.e. a shelter, food, work, etc.

70. Within the framework of such a broad repression covering all sectors of society, women were subjected to medieval legislation. Carrying out the directives of the "President of the Republic", Mullah Rahmani, chief of the politico-ideological organization of the country's security forces, had said that 113,000 persons had been arrested and handed over to the judicial authorities in 1991 for having spread moral corruption and promoting improper veiling.

71. The situation of children was not better. At the present time there was no country in the world where the rights of children were violated to the same extent. Children were arbitrarily arrested, tortured and even executed. According to a report by Amnesty International, Iran was one of the few countries where persons under 10 years of age were executed. The public hanging of opponents, used to create an atmosphere of terror, had terrible effects on children. Several governmental newspapers had carried reports stating that children who had witnessed public executions had then hanged themselves.

72. Another aspect of the repressive regime was the fact that it exported terrorism. That regime, which tolerated no form of opposition, violated all international laws and the sovereignty of other countries by sending death squads under diplomatic cover to carry out its evil plans. Statistics showed

that the number of political opponents of the regime murdered abroad had increased by two and a half times in 1992 compared with 1991.

73. The regime had continued to carry out its terrorist attacks and tried to take the life of the leader of the Iranian resistance movement in April and September 1992. One of those attempts was mentioned in the report of the Special Representative under the heading "The events of 5 April 1992".

74. The inquiry into the murder in April 1990 near Geneva of Professor Kazem Rajavi, who had represented Iranian resistance in the Commission on Human Rights, was continuing. The Swiss examining magistrate had at the time said that one or several Iranian government services were involved. Recently, two major suspects in that murder had been arrested in Paris. Despite the efforts of the Government of Rafsandjani, the French authorities had agreed to extradite the two terrorists to Switzerland, where they were to be tried for their crime.

75. After referring to the abduction and murder by terrorists of the Iranian regime of Akbar Ghorbani, an active Mojahedin member who had frequently travelled to Turkey to help the Iranian refugees, he said that it was easy to imagine what a regime, which carried out a crime of that sort abroad, reserved for its opponents in its own prisons.

76. In view of the fact that the Special Representative had said that no major progress had been made by the Iranian regime with regard to his recommendations and that for 11 years that Government had ignored successive resolutions of the Commission, his delegation thought that it was high time for sanctions to be imposed against that terrorist State by the competent bodies of the United Nations.

77. Mr. PINTO (Anti-Slavery International) said that he was Timorese and had helped to organize a peaceful demonstration in November 1991 in Dili where a massacre had taken place. He had escaped from Dili and travelled to Indonesia and then to Lisbon in November 1992. He had personally witnessed the human rights abuses to which his people had been subjected and which had continued after the November massacre.

78. He had not seen his family since November 1991 and feared for their safety. He had suffered ill-treatment in Indonesian custody. After his arrest, he had been beaten by many policemen at the police station and taken to a prison where he had been interrogated by Captain Edy Suprianto and Colonel Gatot, the head of intelligence in East Timor. He had been released one week later but on condition that he would present himself to Captain Edy and Colonel Gatot three times a week.

79. As a result of torture, some detainees had been forced to say that he was their leader. Learning that there were plans to arrest and possibly execute him, he had left his wife and gone into hiding.

80. After killing 200,000 Timorese over the past 17 years, Indonesia was still not satisfied and was pursuing a strategy designed to exterminate the Timorese people, starting with the murder of young persons. The Timorese were being forced to bend to the will of the Indonesian Army. Xanana Gusmao who,

before his capture, had always proposed to negotiate with Indonesia under United Nations auspices without preconditions, was a victim at the present time.

81. In conclusion, he said that his people were following the work of the Commission with great expectation and hope, and would like to hear the response of members in view of the consensus statement made in March 1992 concerning human rights violations in East Timor. He asked whether the Commission thought that the Indonesian Government had any respect for that decision.

82. Mr. AIZAWA (Japan), speaking in exercise of the right of reply, said with regard to the statement made by the representative of the Democratic People's Republic of Korea referring to the issue of the so-called comfort women during the Second World War, that his Government had sincerely dealt with the issue of claims, in accordance with multilateral and bilateral peace treaties with the concerned countries. As for the Democratic People's Republic of Korea, the claims issue was under discussion in the bilateral normalization talks under way. His Government was giving serious consideration to how it could best convey its feeling of compassion to those who had long suffered.

83. With regard to the procedure for dealing with that matter in the Commission, he said that the purpose of the United Nations was to save succeeding generations from the scourge of war. The United Nations was not a body for solving problems which had occurred before its establishment. Furthermore, the mandate given to the Special Rapporteur of the Sub-Commission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and rundamental freedoms was to submit conclusions and recommendations in order to develop general principles and guidelines. Therefore, his delegation firmly believed that it was outside the Special Rapporteur's mandate to make recommendations on individual cases of claims for compensation. His Government's position on the procedural aspect of the issue coincided with decision 1991/104 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

84. His delegation stressed that the primary aim of the Commission was to protect and improve human rights which were currently being violated and abused. The Commission should not lose sight of current human rights situations by having its attention diverted by past cases.

85. On the question of Japanese women who, as wives of Koreans, were living in the Democratic People's Republic of Korea, at least 1,800 Japanese wives had gone to that country with their husbands around 1960. None had ever been given permission by that country's Government to revisit their native country. That refusal to allow them to visit Japan was a breach of relevant international humanitarian norms and a source of great concern to the people of his country. He therefore strongly urged the Government of the Democratic People's Republic of Korea to resolve the issue on humanitarian grounds.

86. Mr. ZAHARIA (Romania), said, with regard to the question of education in the language of national minorities in Romania raised at the 55th meeting by the representative of Hungary, that his delegation would shortly distribute a

document concerning that problem as well as other aspects of the life of minorities in Romania.

87. He was surprised that the problem had been raised, since the true situation concerning education in the Hungarian language in Romania was well known to the Hungarian delegation and consultations between the two countries on all bilateral relations were frequent. His country was prepared to hold serious discussions on the basis of relevant international and European standards.

88. Mr. MAJLISH (Bangladesh), said that the statement by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities had been misleading and contained fictitious information. In Bangladesh there was no separate indigenous people since the entire population was homogenous. The total population of 13 tribes of the three hill districts of Chittagong was 400,000 and not 800,000.

89. His Government was deeply concerned about the grave violations of human rights in that area caused by some terrorists. Despite those serious difficulties, the Government of Bangladesh had arranged for diplomats based in Dhaka and representatives of Amnesty International to visit the area. Therefore, it was misleading to say that no NGOs were allowed to visit the area. Such false statements tended to undermine the credibility of the NGO community.

90. Ms. FERRIOL ECHEVARRIA (Cuba), said that her delegation wished to refer to the statement made by the representative of the International Immigrants Foundation, Inc. That representative had tried to present himself as a defender of human rights but he was in fact a frustrated terrorist. He had left Cuba illegally and joined counter-revolutionary organizations in the United States. He had been captured on 30 July 1968 in a boat near Havana Province with a dozen other Cubans trying to infiltrate into the national territory. The authorities had found in their possession rifles, revolvers, hand-grenades and ammunition. They had been tried and sentenced to 25 years' imprisonment.

91. She would like to know whether it was possible for a so-called defender of human rights to engage in terrorist acts in order to destabilize the political and economic sectors of a country, thereby endangering the lives of innocent people including women and children. Such action was an offence internationally condemned.

92. It should be noted that the representative in question had been tried in accordance with her country's legislation and released in November 1988, five years before the expiry of his sentence. From 1989 until the present time, he had come to the Commission every year and repeated his well-known stories. If he had any dignity and respect for human life, he should remain quiet about the crimes he had tried to commit.

93. Mr. ADALI (Observer for Turkey), said, with regard to the statement made by the Greek-Cypriot representative at a previous meeting, that she or her people would be tragically mistaken if they thought that they were in a

position to change Turkey's place in the past, in the present or in the future.

94. There was, however, another reality which was equally depressing about the Greek-Cypriot representative's standpoint, namely the well-known Panhellenic claims of the Greeks and their obsession about a neighbouring country and people and their persistence in making that obsession their single internal and foreign policy material.

95. It was certain that the Cypriot problem would not be resolved so long as hypocrisy and demagogy continued to dominate the Greek approach to that problem. The international community must help the Greeks to overcome that handicap.

The meeting rose at 10 p.m.